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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,066	06/25/2003	Renatus Ignatius Fransen	04132.0017.00US00	1065

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EXAMINER

SHAW, ELIZABETH ANNE

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,066

Applicant(s)

FRANSEN, RENATUS IGNATIUS

Examiner

Elizabeth A. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 19-22 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-18 and 23-25 are rejected under 35 U.S.C. 102(a) as being anticipated by van den Berg (US 2003/0101939). Van den Berg shows a milking parlor 1 comprising a base 3 on which the animal to be milked stands, a milking robot 2 and an automatic cleaning device 4 for cleaning an exterior of at least part of the milking parlor 1, the cleaning device 4 having a source of cleaning fluid. It is considered that since a variety of cleaning fluids are described, one of the cleaning fluids used can easily be a cleaning foam, see paragraph 0034. A nozzle 8 and pump 24 place the cleaning fluid under pressure. The nozzles 17, 20 and 21 can be either in a fixed position or movably disposed relative to the milking parlor, see paragraphs 0038 - 0041. The cleaning device 4 also having a contents-measuring device with an indication signal, paragraph 0037. The milking parlor 1 having a presence detecting device 25 for detecting the presence on an animal in the milking parlor 1 and the parlor also having a cleanliness detecting device 26, see paragraphs 0044 and 0045. The milking parlor 1 having a closing device 27 for closing the entrance while the cleaning device 4 is in operation. The milking parlor 1 also having a rinsing device which flows the use of the cleaning device 4. Since a signal is sent by the presence detecting device 25 to stop the cleaning of the milking parlor 1, it is considered that there is a cleaning starting element

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for beginning the cleaning. A computer for storing data in memory and for controlling the beginning and ending of the cleaning in relation to the visits of the animals and identification of the animals is used, see the last lines of paragraph 0048.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 11, 13, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely et al (5,195,455). Van der Lely et al show a milking parlor having a base 17 on which the animal to be milked can stand, a milking robot 26 and an automatic cleaning device 22 for cleaning the exterior of at least part of the milking parlor with nozzles (unnumbered). A presence detecting device/animal identification device 14 is used to control the cleaning process. The parlor having a closing element 12 for closing the entrance to the parlor. With respect to claim 1, to use a cleaning foam in the cleaning device of van der Lely et al would have been obvious to one skilled in the art as a replacement of functional equivalents. With respect to claims 3 and 4, the cleaning fluid of van der Lely et al is said to be sprayed on the animal and the adjacent areas, this implies that the fluid is under pressure by the use of a pump.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely et al in view of van den Berg. Van der Lely et al do not teach the use of additives

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to the cleaning fluid. With respect to claim 15, to use the addition of additives as shown by van den Berg, see paragraph 0048, to the cleaning fluid of van der Lely et al would have been obvious to one skilled in the art in order to more thoroughly and efficiently clean the area.

Allowable Subject Matter

Claims 19-22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, based on the van den Berg patent.

Claims 6-10, 12, 14, 16-23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, based on the van der Lely et al patent.

Conclusion

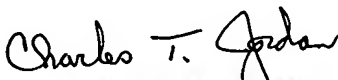
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on cleaning devices are: Icking et al (4,702,197), van den Berg et al (6,276,297), Nilsson (6,431,116) and Eppers (6,481,371).

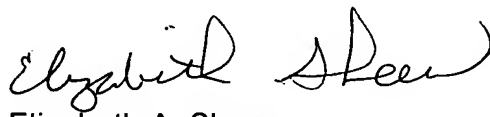
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600


Elizabeth A. Shaw
Examiner
Art Unit 3644

March 19, 2004